

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DIVISION OF CONSERVATION SERVICES

SELF-HELP PROGRAM and URBAN SELF-HELP PROGRAM
Post-Completion Responsibilities

1. Operation, Maintenance, and Reasonable Use Limitations. Property acquired or developed with Program assistance shall be operated and maintained in accordance with standards and guidelines of the Division. In accordance with the applicable Program contract (Self-Help or Urban Self-Help), participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Program assistance as necessary for maintenance or preservation.
 - a. Self-Help conservation areas must be kept for conservation use and available for compatible, passive outdoor recreation use. Natural resource management and development are encouraged but must be consistent with the purpose(s) for the acquisition, and with state law protecting rights to open space.
 - b. All Program sites must be kept open for public use at reasonable hours and times of the year according to the type of area. The governing commission may establish appropriate standards for said use without approval of the Division.
 - c. The governing commission may delegate maintenance functions to other public or private agencies so long as they maintain adequate administration and control over the site to assure public access, and appropriate conservation or recreational use.
 - d. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Program assistance when such a limitation is necessary for maintenance or preservation, and providing said limits apply to residents and nonresidents alike. Thus, limitations may be imposed on the numbers of persons using an area or the type of users such as "hikers only" providing they are consistent with sound land and water management practices and deemed necessary and vital to natural resource protection.
2. Nondiscrimination. Property acquired or developed with Program assistance will be open to entry and use by all persons who are otherwise eligible regardless of race, color, national origin, sex, sexual preference, age or disability.
3. Nondiscrimination on the Basis of Residence. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems, or user fees is prohibited on the Project site. The prohibition against fee or other access limiting systems may be waived by the Secretary or his designee where the applicant can justify said system or demonstrate an inability to adequately manage or maintain the property. The Secretary or designee will approve or deny all proposed fee or access limiting systems. Waivers will not be granted which are inconsistent with the Federal Land and Water Conservation Fund Act, P.L. 88-578, Section 6(f)(8) 16 U.S.C. 4601-4. et seq. Therefore, non-residents cannot be charged more than twice the fee charged to residents, and when there is no charge for residents, fees may not be charged for non-residents.
4. Conversion of Use. Property acquired or developed with assistance from the Self-Help or Urban Self-Help Program shall be retained and used at all times for open space purposes in accordance with to M.G.L. c. 132A, § 11, and 1977, c. 933. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation or conservation purposes without the approval of the Director. Converted property shall comply with Article 97 of the Articles of Amendment to the Massachusetts Constitution and shall be replaced with land of at least equal fair market value and of reasonably equivalent conservation or recreational usefulness. The Director may disapprove conversion requests or reject proposed property substitutions.
 - a. Conversion Applicability. Conversions generally occur in the following four situations:
 1. Property interests are conveyed for non-conservation or non-public outdoor recreation uses.
 2. Non-conservation or non-outdoor recreation uses (public or private) are made of the Project Area, or a portion of the Project Area.
 3. Non-eligible indoor recreation facilities are developed within the Project Area.

4. The conservation or public outdoor recreation use of the property acquired or developed with Program assistance is terminated.
- b. Exceptions. The following two situations may not constitute conversions:
1. Underground utility easements that do not have significant impacts on the conservation or recreational utility of the Project will not constitute a conversion. Note that any proceeds from such leases must be retained by the governing commission in accordance with M.G.L. Ch. 63.
 2. Proposals to construct public facilities where it can be shown that there is a gain or increased benefit to public recreational opportunity may not constitute a conversion of Urban Self-Help properties. Final review and approval of such cases will be made on a case by case basis by the Director.
- c. Prerequisites to Consideration of Conversions. The Division will only consider conversion requests if the following prerequisites have been met:
1. All practical alternatives to the conversion have been evaluated and rejected by the Applicant.
 2. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by an appraisal of both properties approved by the Division in accordance with its appraisal requirements in effect (see 301 CMR 5.03.(5)). Property improvements shall be excluded from all fair market value consideration for properties to be substituted. Exceptions are allowable only in those cases where property proposed for substitution contains improvements that directly enhance its outdoor recreation utility on Urban Self-Help properties.
 3. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Dependent on the situation and at the discretion of the Director, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must be administered by the same political jurisdiction as the converted property.
 4. The property proposed for substitution meets the eligibility requirements for Program assisted acquisition. The replacement property must constitute or be part of a viable conservation or recreation area.
 5. All necessary coordination with other State and local agencies has been satisfactorily accomplished.
 6. The proposed conversion and substitution are in accord with the Statewide Comprehensive Outdoor Recreation Plan (SCORP) or similar state planning document. DCS Staff consideration of the above points reveals no reason for disapproval and this is documented in the project file.
 7. It should also be noted that the acquisition of one parcel of land may be used in satisfaction of several proposed conversions. Previously acquired property cannot be used to satisfy substitution requirements if the original grant was for acquisition.
 8. Applicants acknowledge and will follow the procedures regarding the state constitutional protection afforded to conservation and parklands (Article 97).